

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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MARVIN SIMON, as Authorized Representative For the Marvin Simon Trust, as amended, for Palm Investors, LLC and for the Jeffrey Markman 1993 Irrevocable Trust, MARILYN SIMON, CLAUDE HARRIS, ANN HARRIS, BEN SIMON, HEIDI SIMON, BRITT SIMON, KIM FINK, ANDREW FINK, AMY GOLDBERG, STEFAN RESSING, Individually and as Trustee of the S. Ressing 1999 Trust, FITZROY VENTURES, LLC, MICHAEL LE, Individually and as Trustee of the ML Lee 1999 Trust, and MACKENZIE VENTURES LLC,	:	Hon. Dennis M. Cavanaugh
		<b>ORDER</b>
		Civil Action No. 05-CV-3189 (DMC)
Plaintiffs,	:	
v.	:	
KPMG LLP and SIDLEY AUSTIN BROWN & WOOD LLP, f/k/a BROWN & WOOD, LLP,	:	
Defendants	:	

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DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon the motion of Representative Plaintiffs Marvin Simon, et al. pursuant to Fed. R. Civ P. 23(e) for Final Class Certification of this Action for Settlement Purposes and Final Approval of the Settlement Agreement with Defendants KPMG LLP and Sidley Austin Brown & Wood (“Defendants”); and the Court having considered the papers submitted by Plaintiffs in support thereof; and oral argument in open court; and the Court having been satisfied that the proposed Settlement is fair, reasonable and adequate; and for the reasons stated in the Court’s Opinion issued on this day;

IT IS on this 2<sup>nd</sup> day of June, 2006;

**ORDERED** that Plaintiffs' motion for final class certification of this action for settlement purposes is **granted**, and it is further

**ORDERED** that Plaintiffs' motion for final approval of settlement is **granted**, and the Settlement Agreement is **approved**.

S/ Dennis M. Cavanaugh  
DENNIS M. CAVANAUGH, U.S.D.J.

Date: June 2, 2006  
Original: Clerk's Office  
cc: All Counsel of Record  
The Honorable Mark Falk, U.S.M.J.  
File